



**HISTORIC LANDMARK COMMISSION MEETING MINUTES
2ND FLOOR, CITY COUNCIL CHAMBERS
CITY HALL BUILDING, TWO CIVIC CENTER PLAZA
DECEMBER 3, 2012
4:00 P.M.**

The El Paso Historic Landmark Commission held a public hearing in the City Council Chambers, 2nd Floor, City Hall Building, December 3, 2012, 4:00 p.m.

The following commissioners were present:

Chairman David Berchemmann
Commissioner John Moses
Commissioner Cesar Gomez
Commissioner Stephanie Fernandez
Commissioner Joel Guzman
Commissioner Randy Brock
Commissioner Beatriz Lucero
Commissioner Ricardo Fernandez

The following City staff members were present:

Ms. Providencia Velázquez, Historic Preservation Officer, City Development Department, Planning Division
Mr. Tony De La Cruz, Planner, City Development Department, Planning Division
Ms. Kristen Hamilton, Assistant City Attorney, City Attorney's Office

Chairman Berchemmann called the meeting to order at 4:03 p.m., quorum present.

CHANGES TO THE AGENDA

None.

INTRODUCTION

Ms. Velázquez introduced newly appointed Commissioner John Moses.

Commissioner Moses gave background information regarding his work history.

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I. CALL TO THE PUBLIC – PUBLIC COMMENT

None.

II. REGULAR AGENDA – DISCUSSION AND ACTION

1. Reminder of Ethics Training

<http://home.elpasotexas.gov/city-attorney/ethics.php>

Ms. Velázquez reminded commissioners of the December 31st deadline to complete the mandatory Ethics Training for Board Members/Commissioners/Elected Officials. Ms. Velázquez asked commissioners to send her an email notifying her that they had indeed completed the ethics training. Should commissioners not complete the mandatory Ethics Training, the/those commissioners will be removed from the Historic Landmark Commission.

Certificate of Appropriateness

- 2. PHAP12-00043:** 100 Government Hill Lot 19 & N 35 Ft Of, City of El Paso, El Paso County, Texas
- Location: 1700 Railroad
- Historic District: Austin Terrace
- Property Owner: Jennifer and Scott Crawford
- Representative: Kelsi Montgomery
- Representative District: 2
- Existing Zoning: R-4/H (Residential/Historic)
- Year Built: 1949
- Historic Status: Non-contributing
- Request: Certificate of Appropriateness for construction of a rear yard addition, rear stoop and steps, and the installation of a roofed porch at the main façade.
- Application Filed: 11/19/12
- 45 Day Expiration: 1/03/13

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Ms. Velázquez gave a presentation and noted the applicant seeks approval for a Certificate of Appropriateness for construction of a rear yard addition, rear stoop and steps, and the installation of a roofed porch at the main façade.

STAFF RECOMMENDATION

The Historic Preservation Office recommends *APPROVAL with a modification* of the proposed scope of work based on the following recommendations:

The Magoffin Historic District Design Guidelines recommend the following:

- *Any new construction must be compatible in size, texture, color, design, proportion and detail to adjacent buildings and streetscapes.*
- *New structures should respect the integrity of existing buildings.*
- *Setbacks, proportion, rhythm, and building elements should all be addressed.*
- *Maintain the predominant existing building line.*

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- *New construction will not destroy historic materials, features, and spatial relationships that characterize the property.*

The modification is that the main façade not be altered.

Mr. Scott Crawford, applicant and Ms. Kelsi Montgomery, representing the applicant, were present and responded to questions and comments from commissioners and staff.

Ms. Montgomery explained that due to the location of the porch, west/southwest area of the home; during the summer months that portion of the home does get extremely hot. Furthermore, the front yard view is very beautiful and the applicants want to use their front yard more.

Mr. Crawford stated that he modeled the design, as submitted, after the home that was three doors down from his property.

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Ms. Velázquez clarified the applicants are requesting a Mediterranean style porch, however, it was her recommendation that a Pueblo style porch was more appropriate. Additionally, whether or not the property is contributing or non-contributing, the applicant will be making changes to the main façade.

Commissioner Moses asked staff if the addition of the porch would change the footprint of the home.

Ms. Velázquez responded no, the porch would not extend beyond the steps.

At this time, Ms. Montgomery distributed additional photos for commissioners to review.

Commissioner Guzman asked Ms. Velázquez, in terms of Pueblo style, what characteristics define that. He suggested perhaps a Santa Fe, territorial style.

Ms. Velázquez responded something with a flatter roof and the terracotta clay tiles would not be a part of that. Additionally, she would call the exposed vigas a character defining feature of the home as the vigas add to the style of the home.

DISCUSSION AMONGST COMMISSIONERS

Commissioner Guzman stated this issue involves whether or not this property is contributing or non-contributing. If it non-contributing it is easier to get by with changes, however, Ms. Velázquez believes the request is not in compliance.

Ms. Velázquez responded commissioners can disagree with her recommendations.

Commissioner Moses asked staff what would it take to do a Pueblo style porch roof.

Ms. Velázquez responded the porch would be much flatter.

Commissioner Guzman stated that there are obstacles within the process that can be somewhat disconcerting to both commissioners and applicants.

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Commissioner Stephanie Fernandez noted that, in this instance she sees two different architectural styles being blended together. Additionally, since the property is non-contributing there might be a little more flexibility. She wondered if the applicant might propose a porch that is more of a Pueblo style.

Commissioner Guzman asked Ms. Montgomery if she understood the definition of Pueblo style.

Ms. Montgomery responded yes. However, she designed the porch because:

1. The slope to roof was easier for the applicants;
2. The precedent within the neighborhood shows a mixture of styles, for example, Spanish tile with a parapet, stucco (Pueblo) with vigas;
3. The Pueblo style might add a parapet porch roof from the house, perhaps she might apply additional vigas;
4. In her opinion, the Design Guidelines did not want property owners to "add to" what was existing.

Ms. Montgomery stated she could envision a parapet roof with perhaps columns covered in stucco with wood framing, for example. However, in her opinion, the design, as submitted, was the most true to the material used in the simplest form.

Mr. Crawford clarified the goal was to have a covered porch area. If modifications are required, he was amenable to that. However, he felt that adding another parapet further out would change the façade more than putting a sloped area in the front.

Ms. Velázquez stated staff did not receive any comments in favor of or in opposition to the request from the neighbors or neighborhood association.

Commissioner Lucero asked staff if there were other options that would allow a more compliant porch design.

Ms. Velázquez responded that yes, there were other options that could be done. She noted the following:

1. Commissioners can disagree with her recommendations;
2. Commissioners can uphold her recommendations;
3. Commissioners can request the applicant come back with a different design of the porch.

1st MOTION:

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*Motion made by Chairman Berchelmann, seconded by Commissioner Gomez **TO APPROVE AS RECOMMENDED BY STAFF WITH THE MODIFICATION THAT THE MAIN FAÇADE NOT BE ALTERED.***

Via an oral vote, the motion failed.

Commissioner Ricardo Fernandez asked if commissioners could approve the request as submitted.

Commissioner Gomez explained that adding a Pueblo style porch would mean adding a parapet. Adding the parapet would cause the porch to blend into the home; furthermore, the paint would match the home.

2nd AND FINAL MOTION:

*Motion made by Commissioner Ricardo Fernandez, seconded by Commissioner Moses **AND CARRIED TO APPROVE THE APPLICATION AS SUBMITTED.***

AYES: Commissioners Moses, Gomez, Guzman, Brock, Ricardo Fernandez and Chairman Berchelmann

NAYS: Commissioners Stephanie Fernandez and Lucero

Motion passed (6-2).

3. PHAP12-00044: 11 Sunset Heights 3 To 18 (46047 Sq. Ft.), City of El Paso, El Paso County, Texas
- Location: 689 Stewart Court
- Historic District: Sunset Heights
- Property Owner: City of El Paso
- Representative: Victor Garzon
- Representative District: 8
- Existing Zoning: A-2/H (Apartment/Historic)
- Year Built: N/A
- Historic Status: N/A
- Request: Certificate of Appropriateness for the installation of new playground equipment, a rockwall,

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landscaping, a concrete path and sidewalk, a bicycle rack, and a metal canopy.

Application Filed: 11/19/12
45 Day Expiration: 1/03/13

Ms. Velázquez gave a presentation and explained the applicant seeks approval for a Certificate of Appropriateness for the installation of new playground equipment, a rockwall, landscaping, a concrete path and sidewalk, a bicycle rack, and a metal canopy.

STAFF RECOMMENDATION

The Historic Preservation Office recommends APPROVAL of the proposed scope of work based on the following recommendations:

The Magoffin Historic District Design Guidelines recommend the following:

- *Construction of new fencing should be of compatible materials. Brick, stone, and wrought iron are generally acceptable materials.*
- *When new landscaping is planned, it should be designed to complement the streetscape.*

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- *Retaining the historic relationship between buildings and the landscape.*

Mr. John Gutierrez, GA Architecture, representing the property owner, explained the canopy colors were chosen to blend in with the environment; furthermore, the canopy will be hexagon shaped with a clerestory, a second roof, and at the bottom. It was his belief that the park has sod and irrigation.

Ms. Velázquez read into the record a letter from the President of the Sunset Heights Neighborhood Improvement Association, Leah Osborne. The letter stated the Sunset Heights Neighborhood Improvement Association was in favor of the proposed request (copy of letter on file).

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Chairman Berchermann asked staff if the president of the neighborhood association had spoken with other members of the association.

Ms. Velázquez responded yes.

Commissioner Stephanie Fernandez asked if the park was currently open for use.

Ms. Velázquez responded yes.

MOTION:

Motion made by Commissioner Guzman, seconded by Commissioner Moses AND UNANIMOUSLY CARRIED TO APPROVE.

- | | |
|--------------------------|--|
| 4. PHAP12-00045: | 1 Estrada Replat, A Lot 5 15168.35 S, City of El Paso, El Paso County, Texas |
| Location: | 9209 Socorro Road |
| Historic District: | Mission Trail |
| Property Owner: | Eduardo and Rosalia Estrada |
| Representative: | Eduardo and Rosalia Estrada |
| Representative District: | 6 |
| Existing Zoning: | R-4/H (Residential/Historic) |
| Year Built: | 1988 |
| Historic Status: | Non-contributing |
| Request: | Certificate of Appropriateness for resurfacing the façade with stucco. |
| Application Filed: | 11/19/12 |
| 45 Day Expiration: | 1/03/13 |

Property owners were not present for this meeting.

Ms. Velázquez gave a presentation and explained the applicant seeks approval for a Certificate of Appropriateness for resurfacing the façade with stucco. She noted the home is in an isolated area and that the exterior brick is painted.

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STAFF RECOMMENDATION

The Historic Preservation Office recommends DENIAL of the proposed scope of work based on the following recommendations:

The Mission Trail Design Guidelines recommend the following:

- *If masonry is beyond repair, use similar materials that match the color, size, and texture of the material being replaced.*
- *If a brick surface has previously been stuccoed, it should remain stuccoed since removal may damage the underlying masonry.*

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- *Exterior alterations will not destroy historic materials, features, and spatial relationships that characterize the property.*

Chairman Berchermann clarified stucco would ruin the brick.

Commissioner Guzman asked staff if the brick was CMU or classic brick.

Ms. Velázquez responded, in her opinion, it looked like classic brick.

Commissioner Moses thought the brick looked like *slump block*.

Due to the absence of the property owners, Commissioner Guzman asked if commissioners would like to table the request.

Chairman Berchermann concurred with Commissioner Guzman's suggestion.

Ms. Velázquez noted the item will appear on the December 17th HLC agenda.

Commissioner Guzman asked staff if commissioners could approve the use of CMU; additionally, if CMU were approved, could commissioners request that the stucco be historically distinct for this district.

Ms. Velázquez responded, in her opinion, the guidelines were very clear that materials to be replaced are to be replaced in-kind.

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Commissioner Stephanie Fernandez added that there are moisture issues regarding the stucco to consider.

5. Addresses of property HLC commissioners have requested that HLC staff review or investigate and provide a report to the HLC. If no addresses are submitted in advance and listed under this agenda item, commissioners may announce such addresses under this agenda item. Discussion on property announced at this meeting will take place during the next regularly scheduled meeting. December 3, 2012 deadline for HLC members to request for agenda items to be scheduled for the December 17, 2012 meeting. December 17, 2012 deadline for HLC members to request for agenda items to be scheduled for the January 7, 2012 meeting.

There were no address requests of staff to review, investigate and provide a report to the HLC.

HLC Staff Report

6. Update on Administrative Review Cases since the last HLC meeting for the properties listed on the attachment posted with this agenda.
(See Attachment "A")

MOTION:

Motion made by Commissioner Guzman, seconded by Commissioner Stephanie Fernandez AND UNANIMOUSLY CARRIED TO APPROVE THE ADMINISTRATIVE REVIEW REPORT.

Other Business

7. A. Approval of Regular Meeting Minutes for November 19, 2012

No action was taken. Minutes were not complete.

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B. Discussion and action on Ordinance 010917.

Ms. Velázquez explained that, per the decision of the commissioners to deny the certificate of demolition application for the property located at 218-222 N Mesa, the applicant filed an appeal to the City Council. As a result, an item was placed on the November 13th City Council agenda. At that meeting, City Council members did overturn the commissioners' decision and approved the Certificate of Demolition. However, it was during the discussions, at the City Council meeting, that:

1. Council Members were very surprised to discover that non-contributing properties in the Downtown Historic District are not required to comply with guidelines; and
2. Should there be a demolition in a non-contributing parcel, the HLC has no review over that.

Therefore, City Council asked staff to review the ordinance language. Staff has previously received feedback from the DMD (Downtown Management District). The DMD felt the ordinance was not fair because of a presumed burden that non-contributing properties would have in complying with guidelines. However, if the City does not ask non-contributing properties to comply:

1. The burden falls very heavily on contributing properties; and
2. When a non-contributing property no longer exists, the HLC has no purview over what will/will not, can/cannot be built on that site.

Ms. Velázquez asked commissioners to review the existing ordinance language. She asked commissioners if they might want to rescind the ordinance, revise the language and/or if they might have some other idea(s).

Chairman Berchermann asked if commissioners could suggest rescinding the ordinance language and would the HLC be taking action on the revised ordinance language today.

Ms. Velázquez responded yes, you could suggest to the City Council that the HLC would like to rescind/revise the ordinance language. She explained that rewriting the ordinance language does take some time.

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Mr. De La Cruz stated there are between 23 to 25 non-contributing properties within the Downtown Historic District. Three of the 23 non-contributing properties are parking lots.

DISCUSSION AMONGST COMMISSIONERS

Commissioner Guzman explained his philosophy was that in 1992 the HLC created 25 contributing, untouchable landmarks. They then purposefully, to the contrary, designated them as non-contributing to make them touchable(s) for the ultimate growth of downtown. In looking at the Downtown Historic District Design Guidelines, the HLC at the time thoughtfully contemplated why these 25 buildings should be saved. He noted that three of the 23/25 are Trost buildings but those buildings had been changed or altered significantly so that the decision makers in 1992 chose to designate those buildings non-contributing. For downtown to be rejuvenated with new investment opportunities, the HLC should consider and perhaps approve of them.

Commissioner Stephanie Fernandez stated one of the many issues we commissioners are considering is looking at non-contributing buildings and what other qualities exist within/of that the building. She noted that there is a need to re-evaluate the non-contributing properties due to advances in new technology; i.e., the building no longer retains architectural integrity. She clarified that the Downtown Historic District is the only historic district whereby non-contributing properties do not have to come before the commission for certificates of appropriateness. She felt that having non-contributing properties come before the HLC would protect our historic resources. Until there is a re-evaluation of downtown properties, commissioners should take extra care regarding the non-contributing properties.

Commissioner Guzman explained that commissioners have previously designated properties as non-contributing via the zoning process. He responded that the decision whereby non-contributing properties in the Downtown Historic district do not have to come before the HLC was clearly political. It was his opinion that downtown property owners would rather not have to come before the HLC.

Chairman Berchermann noted the new downtown CVS pharmacy building was a non-contributing property.

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Ms. Velázquez responded yes and that this property owner has been very sensitive to the building.

Commissioner Gomez asked staff if Mr. Morris Brown, HLC Chairman in 1992, would come to the next HLC meeting and explain the process whereby properties within the Downtown Historic District were designated contributing or non-contributing.

Ms. Velázquez responded staff will ask Mr. Brown to speak at either the December 10th Workshop meeting or the December 17th HLC meeting.

Commissioner Lucero agreed that, 20 years later, there is a need to re-evaluate the non-contributing properties and to protect these precious resources. She commented on the historic structure that was demolished due to fire and that an adjoining historic structure may be demolished as well.

Commissioner Guzman commented on recent development within the Downtown Historic District.

Commissioner Stephanie Fernandez clarified she was not opposed to new development but it was her desire that the development be *smart* development.

Chairman Berchermann asked staff if non-contributing properties must conform to the Comprehensive Plan.

Ms. Velázquez responded yes, that was her understanding.

Commissioner Guzman commented that property owners could receive federal tax credits if the property(ies) are listed on the National Register of Historic Places and the property was listed as contributing. He explained that non-contributing property owners did not request the federal tax credits. He thought that might be another way properties were selected as non-contributing or contributing.

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Ms. Velázquez disagreed with Commissioner Guzman's explanation. She explained the Mills Building was always considered contributing, although it was altered, and the building was placed on the National Register last year.

At the upcoming workshop meeting next week, Commissioner Berchelmann requested staff and commissioners review the Downtown Historic District Design guidelines for the newly appointed commissioners. Additionally, it will be advantageous to hear from Mr. Brown how properties were designated contributing or non-contributing in 1992. He asked commissioners if they would like to table the agenda item to the next HLC or take action today.

Commissioner Guzman asked staff to gather more information and wait to hear what Mr. Brown has to say.

Chairman Berchelmann asked staff to research and present all information regarding the 1992 process.

Commissioner Moses explained that commissioners must present very strong arguments when presenting to the City Council. He felt that the City Council did not want to go beyond where they are currently.

Commissioner Berchelmann postponed the item to the December 17th HLC meeting.

C. Election of a new Vice-Chair for the HLC

Commissioner Guzman nominated Commissioner Stephanie Fernandez to be Vice-Chairman for the HLC.

MOTION:

Motion made by Commissioner Guzman, seconded by Commissioner Gomez AND UNANIMOUSLY CARRIED TO APPROVE COMMISSIONER STEPHANIE FERNANDEZ AS VICE-CHAIRMAN FOR THE HLC.

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D. Discussion of a workshop for HLC Commissioners.

Ms. Velázquez explained that the workshop for HLC Commissioners will be held Monday, December 10th, in the 5th Floor Americas Conference Room from 4:00 p.m. to 6:00 p.m. Staff will clarify the duties and responsibilities of the HLC, HLC ordinances, Historic District Guidelines, etc.

Chairman Berchermann asked staff to clarify the five responsibilities, as noted by Mr. Geoffrey Wright at the December 3rd HLC meeting.

Staff will post the workshop agenda to comply with the Texas Open Meetings Act.

Motion made by Vice-Chairman Stephanie Fernandez, seconded by Commissioner Brock **AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 4:55 P.M.**

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